

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK 16-41395
)	Chapter 7
HAPPY JACKS PETROLEUM, INC.)	
)	
Debtor.)	

APPLICATION FOR APPROVAL OF SALE OF PERSONAL PROPERTY, INCLUDING
EQUIPMENT AND INVENTORY BY PUBLIC AUCTION FREE AND CLEAR OF LIENS;
NOTICE OF OBJECTION/RESISTANCE DEADLINE;
AND CERTIFICATE OF SERVICE

COMES NOW the Trustee and for his Application for Approval of Sale by Auction, and alleges as follows:

1. Among the assets of the bankruptcy estate is personal property consisting of equipment and convenience store items, including store inventory.

2. The Trustee proposes to sell these items by public auction conducted by Helberg & Nuss Auctions & Realty, a bonded and licensed auction company. The auctioneer will be paid a commission of 10% of the gross proceeds from the sale of all personal property, plus advertising and expenses.

The auctioneer has agreed to charge the bankruptcy estate \$12.00 to \$15.00 per hour per person for the manpower in use for assembling, transporting, and inspecting the property so that the property can be assembled and placed at the auction location prior to sale.

The sale date will be February 6, 2018 beginning at 10:00 a.m. MT, at 507 East 3rd Street, Brule, Nebraska. The items listed will be sold to the highest bidder.

3. Included in the list of items to be sold is the convenience store inventory and oil inventory. These items are subject to secured liens of banks. The Trustee intends to sell these items at the public auction with the liens for each item attaching to the sale proceeds pursuant to 11 U.S.C. 363. Trustee anticipates the sale proceeds will not be sufficient to satisfy the liens of the creditors.

4. Based upon the sale proceeds, there may be income tax due if there is enough money generated from the sale. Tax will be due based upon applicable income tax rate pursuant to the agreement between the Trustee and secured creditors.

5. In addition to the terms and provisions of the proposed acts described above, the Trustee shall have the right to determine, in his sole discretion, all other terms and conditions of the proposed action which are necessary or convenient to the conclusion of the proposed action described above. Transfer of title may be made by the Trustee without further notice upon such terms and in such manner as shall be determined by the Trustee in his sole discretion.

WHEREFORE, the Trustee prays for an order of the court approving the sale of items of personal property described herein at auction under the terms and conditions set forth above, by Helberg & Nuss Auctions & Realty and payment of commission and expenses as set forth herein.

Nebraska Rule of Bankruptcy Procedure 9013 provides that all resistances to the Trustee's Application for Approval of Sale by Auction shall set forth the specific factual and legal basis and conclude with a particular request for relief and shall be served in conformance with Nebraska Rule of Bankruptcy Procedure 9014.

IF NO WRITTEN RESISTANCE OR REQUEST FOR HEARING IS FILED WITH THE BANKRUPTCY COURT CLERK, 460 FEDERAL BUILDING, 100 CENTENNIAL MALL NORTH, LINCOLN, NE 68508 AND SERVED UPON PHILIP KELLY, TRUSTEE, ON OR BEFORE January 17, 2018 THE BANKRUPTCY COURT WILL CONSIDER ENTERING AN ORDER GRANTING THE RELIEF SOUGHT IN THE TRUSTEE'S APPLICATION FOR APPROVAL OF SALE BY AUCTION. If a timely resistance or request for hearing is filed and served, the Bankruptcy Court will schedule a hearing with notice of the hearing being limited to parties who timely file a written resistance or request for hearing and the Trustee.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

DATED: December 27, 2017

PHILIP M. KELLY, Trustee

By Philip Kelly
Philip M. Kelly, NSBA #15427
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CERTIFICATE OF SERVICE

A copy of the foregoing was sent this 27th day of December, 2017 by regular United States mail, sufficient postage attached, to all parties on the attached mailing matrix, except for those receiving notification electronically via the CM/ECF system as indicated by a (+) beside their name on the attached matrix.



Philip M. Kelly, NSBA #15427

Label Matrix for local noticing
0867-4
Case 16-41395-TLS
District of Nebraska
Lincoln Office
Wed Dec 27 14:21:37 CST 2017

Adams Bank & Trust
315 N. Spruce
Ogallala, NE 69153-2554

Great Western Enterprises, Inc.
202 North Spruce
Ogallala, NE 69153-2553

Happy Jack's Petroleum, Inc.
P.O. Box 130
Brule, NE 69127-0130

Leon Lee
75990 Rd 330
Grant, NE 69140-3230

Lemmert Hay and Grinding L.L.C.
90 West Highway 92
PO Box 150
Lemoyne, NE 69146-0150

Meyer Bros
76851 Road 338
Madrid, ne 69150-4048

Bruce E. Schreiner
Schroeder & Schreiner, P.C.
2535 North Carleton Avenue, Suite B
Grand Island, NE 68803-1252

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McPherron, Skiles & Loop, CPAs, P.C.
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North Platte, NE 69101-5306

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Venango, NE 69168-4014

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Madrid, NE 69150-0014

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Ashby, NE 69333-8810

Chisholm, Lee
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Brule, NE 69127-4115

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Paxton, NE 69155-5219

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Dahlkoetter, Lloyd
32690 Road 766
Grant, NE 69140-3312

Day Land & Cattle
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Madrid, NE 69150-4074

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75350 Road 341
Madrid, NE 69150-4060

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Venango, NE 69168-0006

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Scottsbluff, NE 69363-2056

Dooley Oil Inc.
PO Bx 370
Laramie, WY 82073-0370

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Madrid, NE 69150-4000

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Ogallala, NE 69153

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Sidney, NE 69162-3044

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135 Highway 92 West
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Keystone, NE 69144-1730

Hansmeier Land & Cattle
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Lodgepole, NE 69149-2540

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Ogallala, NE 69153-5316

Holzfasters Farm
77045 Road 343
Paxton, NE 69155-4000

Howard, David
144 Henry Street
Lodgepole, NE 69149-2531

Ingold, Shannon
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Ogallala, NE 69153-4306

Ingold, Shaun
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Wauneta, NE 69045-6534

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Denny Ansley

(u)Hansens's Petroleum Products

(u)Hansmeier Land and Cattle

(u)John Orr dba Signal Bluff Ranch

(u)Kingsley Cattle Co, a Nebraska Corporation

(u)Liberty Farms

(du)John Orr
dba Signal Bluff Ranch

(u)Jim Perrin

(d)Meyer Bros.
76851 Road 338
Madrid, NE 69150-4048

(d)Philip M. Kelly +
Chapter 7 Trustee
PO Box 419
105 E. 16th Street
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End of Label Matrix	
Mailable recipients	169
Bypassed recipients	10
Total	179